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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,200	07/30/2003	James L. Schultz	09796447-0113	2022

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SONNENSCHN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER

MACKEY, JAMES P

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,200

Applicant(s)

SCHULTZ, JAMES L.

Examiner

James Mackey

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-13 and 18-28 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 14-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. Claim 15 is objected to because of the following informalities: the sub-section at line 8 of claim 15 should end in a semi-colon. Appropriate correction is required.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-10 and 14-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 31 (the penultimate line of the claim), "said frame" is indefinite as to which of the two recited frames is intended.

In claim 2, line 3, "said servo motor" and "said motor" are indefinite as to which of the two servo motors (recited in claim 1 at lines 18 and 30) is intended.

In claim 3, "said frame" is indefinite as to which of the two frames (recited in claim 1 at lines 2 and 3) is intended.

Claim 8 should apparently depend from claim 7 in order to provide proper antecedent basis for "said movable piston".

In claim 14, line 1, "said attachment mechanism comprises" should apparently be --said attachment mechanisms comprise-- in order to agree with the plural mechanisms as recited in claim 11.

In claim 15, line 5, "at least one of said frames" lacks proper antecedent basis in the claim, and should apparently be --said frame--.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunner et al. (U.S. Patent 6,112,647; Figures 1-3; col. 2, lines 32-39).

Brunner et al. disclose a dough press substantially as claimed, comprising an endless conveyor belt 44 movably carried on a frame and having an upper horizontal surface along a portion of its length; upper and lower platens 18, 20 carried on the frame and being movable in a longitudinal horizontal direction parallel with a moving direction of the upper surface of the belt, upper platen 18 being movable in a vertical direction, the upper and lower platens being mounted on a carriage (col. 2, line 35) which reciprocates on two linear guide rods (via rollers on the linear guide rods, as clearly shown in Figure 2); and drive means ("drive mechanism", col. 3, line 17) for linearly and reciprocatingly driving the carriage for the upper and lower platens in a horizontal movement. Brunner et al. do not explicitly disclose that the drive means comprises a linear actuator. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brunner et al. by providing the drive means for horizontally moving the upper and lower platens as a linear actuator in order to easily and inexpensively

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provide the linear horizontal reciprocal movement to the carriage mounting the upper and lower platens. It would have been further obvious to a skilled artisan to have provided the linear actuator with a servo motor drive (claim 16) in order to facilitate the reciprocal motion of the linear actuator, and since a servo motor drive is a well known and conventional drive for a linear actuator.

7. Claims 11-13 and 18-28 are allowed.

Claims 1-10 and 14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The prior art of record does not teach or fairly suggest a platen/belt press having a sub frame supportable by a main frame, with adjustment mechanisms positioned between the sub frame and the main frame to permit relative adjustment therebetween, and attachment mechanisms for securing the sub frame to the main frame, as claimed in claims 1 and 11. The prior art of record does not teach or fairly suggest a platen/belt press having a loading system for loading balls onto the moving upper surface of the belt, including transport means for receiving the balls in a sequential stream and delivering the balls to the moving belt at a speed equal to a speed of the upper surface of the belt, as claimed in claims 1 and 18. The prior art of record does not teach or fairly suggest a platen/belt press having a belt splicing hot press carried on the frame and operatively engageable with the belt, as claimed in claims 1 and 26.


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Mackey whose telephone number is 571-272-1135. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ben Utech can be reached on 571-272-1137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James Mackey
Primary Examiner
Art Unit 1722
3/20/05

jpm
March 20, 2005